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FACTS FOR VOTERS

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LONDON VOTE

LONDON VOTERS' LIST APPE

The Judges' Opinions.

[By Telephone to the ADVERTISER.]

Chief Justice Haggerty, in giving his decision, says: I am of opinion that the facts before us in this case were so called upon to decide the very serious question whether the Court of Queen's Bench has the power to award the writ of *habeas corpus*. The object of the writ has been fully attained, and if the writ be set aside it will not affect the purpose of the case as the final disposal of the claims of the appellants. The chief justice then goes on to say he sees no reason for the court entering upon the purely technical inquiry involving no rights undisturbed of the terre.

leged notices. He discusses the question whether the original notice was sufficient or not, and after reviewing the English cases, he thinks the court cannot do much assistance to them. The English cases differ from ours. The English cases think the reviving officer has no power to amend the notice of objection. Then, if so done, he thinks the amended notice should be set aside. His final judgment is that the appeal should be entertained. The court refuses to entertain any appeal from the reviving officer's decision.

Judge Burton says: As the reviving officer has acted upon the mandamus has not seen fit to contest the jurisdiction of the court, and the granting of the writ is no longer a matter of consequence. The court goes on to say he has no objection to the original notice was sufficient. He expresses no opinion on the amended notice, as it is not before the Queen's Bench Division.

Judge McLaren said they could entertain the question of jurisdiction, but he said the writ had been acted upon. He said that he is perfectly satisfied that original notice was sufficient. The note must be read in connection with the lis pendens which it refers to, as it and the full note must be taken together.

Judge Osler says the writ has been obeyed, its force is spent, and this cannot undo its effect. He refuses to express any opinion as to the sufficiency of the notice, as the matter is wholly in the jurisdiction of the County Court judge, who has already the obiter dictum of Queen's Bench Divisional Court. On ground that the force of the writ of mandamus was spent the appeal should be dismissed.

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